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February 2, 2007*

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Attorneys for Fertitta Enterprises, Inc.,  
and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**NOTICE OF 2004 EXAMINATION  
OF PERSON MOST  
KNOWLEDGEABLE OF DEBTOR  
USA COMMERCIAL  
MORTGAGE COMPANY  
(Affects USA CM ONLY)**

PLEASE TAKE NOTICE THAT on the 14<sup>th</sup> of February, 2007, at 10:00 a.m., at Jones Vargas, 3773 Howard Hughes Parkway, 3<sup>rd</sup> Floor South, Las Vegas, NV 89169, pursuant to the Order Allowing 2004 Exam entered on January 29, 2007, a copy of which is attached hereto, the Estate of Daniel Tabas and Fertitta Enterprises, Inc., by their respective counsel, Jonathan J. Bart, Esq., and/or Janet L. Chubb, Esq., will orally examine the Person Most Knowledgeable of Debtor USA Commercial Mortgage Company before a Notary Public, or before some other officer authorized by law to administer oaths. The deponent has been or will be served with a Subpoena. Oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

DATED: February 2<sup>nd</sup>, 2007.

WILENTZ GOLDMAN & SPITZER P.A.

JONES VARGAS

//s// Jonathan J. Bart  
JONATHAN J. BART, ESQ.

//s// Louis M. Bubala III  
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**CERTIFICATE OF SERVICE**

1. On February 2, 2007, I served the following document(s):

**NOTICE OF 2004 EXAM OF PERSON MOST KNOWLEDGEABLE  
OF DEBTOR USA COMMERCIAL MORTGAGE COMPANY**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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■ b. **United States mail, postage fully prepaid** (list persons and addresses):

THOMAS J. ALLISON  
USA COMMERCIAL MORTGAGE ET AL.  
4484 SOUTH PECOS ROAD  
LAS VEGAS, NV 89121

9 c. **Personal Service** (list persons and addresses):  
I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

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**Nevada Mortgage Lending Division**  
**Attn: Susan Eckhardt**  
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Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



**9 e. By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**9 f. By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed blow and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 2<sup>nd</sup> day of February, 2007.

J. Englehart & Tawney Waldo  
Name

//s// Tawney Waldo & J. Englehart  
Signature

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